

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHAUN AKINDO ALEXANDER RUSHING,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

1:22-CV-7696 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On January 3, 2022, Plaintiff was barred from filing any new civil action *in forma pauperis* (“IFP”) in this court without first obtaining from the court leave to file. *See Rushing v. Extra Space Storage*, ECF 1:21-CV-9113, 5 (S.D.N.Y. Jan. 3, 2022). On September 7, 2022, Plaintiff filed this new *pro se* civil action, but has not paid the fees to bring this action or filed an IFP application. Thus, the Court construes Plaintiff’s complaint as requesting to proceed IFP. Plaintiff, however, has not sought leave from the Court to file this action. The Court therefore dismisses the action without prejudice for Plaintiff’s failure to comply with the Court’s January 3, 2022, order in *Rushing*, ECF 1:21-CV-9113, 5.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: October 11, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge